

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
MAY 11, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

The Hamilton County Board of Commissioners met in Executive Session in Conference Room 1A from 1:07 p.m. to 1:35 p.m. President Holt called the meeting to order at 1:45 p.m. declaring a quorum present of Commissioner Christine Altman and Commissioner Steven A. Holt. Commissioner Steven C. Dillinger was absent.

Approval of Minutes

Altman moved to approve the minutes of April 24, 2009. Holt seconded. Motion carried unanimously.

Altman moved to approve the minutes of April 27, 2009. Holt seconded. Motion carried unanimously.

Executive Session Memoranda

Altman moved to approve the Executive Session Memoranda of May 11, 2009. Holt seconded. Motion carried unanimously.

HIGHWAY BUSINESS

Open Road Cut Permit

Mr. Jim Neal requested approval of an Open Road Cut Permit, RDCUT 2009-002 for Veolia Water at 130' south of 106th Street on Ditch Road to lower the water main due to new roundabout project. Altman moved to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Highway Department

Neal requested acceptance of Bonds and Letters of Credit for the highway department. Altman moved to approve. Holt seconded. Motion carried unanimously.

- HCHD #B-09-0010 Safeco Insurance Company of America Performance Bond #6606436 issued on behalf of Cargill, Incorporated for Deicing Technology in the sum of \$25,000 for supply of salt to expire February 28, 2010.

Release of Bonds/Letters of Credit – Highway Department

Neal requested the release of Bonds/Letters of Credit for the highway department. Altman moved to approve. Holt seconded. Motion carried unanimously.

- HCHD #B-05-0037 Bond Safeguard Insurance Company Performance Bond #5014734 issued on behalf of Precedent Capital, LLC for Fox Hollow at Geist, Section 4 street signs.

2009-2011 Bridge Inventory Agreement

Neal requested approval of the 2009-2011 bridge inventory inspection services with United Consulting with a not to exceed amount of \$330,000. This is a federal aid agreement with the county being responsible for 20% (\$66,000). Altman moved to approve. Holt seconded. Holt stated he discussed this contract with Dave Richter regarding the logic of the contract and asked if this was being passed down from the federal government. Richter indicated that is not the case, this is an interpretation by an individual in INDOT (Indiana Department of Transportation) that this is what is required and many states are not doing it. It is 20% to the county but if you multiply it by 92 counties it is \$40 million. If you think about how much money is in federal bridge to be distributed throughout the State it is a huge waste of available funds to build county bridges in Indiana. There was discussion of talking with our executive director of the Commissioners Association to see if she would carry the banner and ask the Governor's office to reconsider the bureaucrats' directive. Holt asked Neal if the contract is written that we can renegotiate back out of it if the requirements become less draconian? Mr. Brad Davis stated yes, we have it geared that we pay for the services we actually receive. Altman stated when we discussed the price increase she thought Dave Richter had gone through and line itemed the difference to show us how the dollars were changing. Holt stated they justified their fee but it is based on INDOT's requirement. Altman stated those were line items, which she wanted memorialized because some of them will drop out of the next contract and she did not want them carried over year to year if it was a one time shot. Altman amended her motion to approve up to the dollar amount with the understanding that we will be allowed to reduce it with the understanding that in the event the guidelines were changed. Holt stated he is more concerned that the contract will allow that if we sign it. Holt asked to table this to let the attorney review the contract. Altman moved to table. Holt seconded. Motion carried unanimously. Davis stated he will be moderating a discussion on the bridge inspection process, the new requirements and their impact at a conference in June. Altman stated if this is indeed INDOT we should try to hold discussions with INDOT before this takes place. Holt asked Davis to touch base with Dave Richter regarding having a discussion with the Executive Director of the Association of County Commissioners.

Bridge #201 Engineering Agreement

Neal requested approval of Engineering Agreement, HCHD #E-09-0004, with Floyd E. Burroughs & Associates for replacement of Bridge No. 201, West 236th Street over Teter Branch. The not to exceed amount if \$109,800. Altman so moved. Holt seconded. Motion carried unanimously.

Acceptance of Streets

Fox Hollow at Geist, Section 1

Neal requested acceptance of streets in Fox Hollow at Geist, Section 1 in Fall Creek Township for a total of 0.52 miles. Altman so moved. Holt seconded. Motion carried unanimously.

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Condemnation Request

96th Street and Commerce Drive Project

Neal requested approval of a condemnation requested for Parcel 16 of the 96th Street and Commerce Drive Project in Pike Township in Marion County. The landowners are YSI III, LLC, A Delaware Limited Liability Company. Altman moved to proceed with condemnation. Holt seconded. Motion carried unanimously.

Official Actions

Fox Hollow at Geist

Neal requested approval of the official action to install regulatory signs for Fox Hollow at Geist, Section 1 in Fall Creek Township. Altman so moved. Holt seconded. Motion carried unanimously.

136th Street and Olio Road

Neal requested modification to the Stop condition at 136th Street and Olio Road for the roundabout. Currently Olio Road stops for 136th Street, there has been a change to the construction phasing where they will use the road north of this intersection for access to the hospital during construction on SR 238. The contractor and highway department recommend making this intersection a four-way Stop. This is for construction only and will go away for the next phase. Neal stated currently SR 238 is closed to the east so all of the traffic is coming up Olio Road and going west, there is not a lot of traffic going east. Altman asked that a press release be sent out informing the public that this a temporary condition for construction only. Altman so moved. Holt seconded. Motion carried unanimously.

Request to Close 281st Street

Neal requested permission to close 281st Street between Hayworth Road and Henry Gunn Road beginning on or after Monday, May 18, 2009 for a period of four (4) months for replacement of Bridge #68. Altman so moved. Holt seconded. Motion carried unanimously.

Bid Award

Dump Truck

Davis recommended the bid for the tandem axle dump truck be awarded to Stoops Freightliner in the amount of \$166,519. There were lower bids but they did not meet the specifications we required. Altman moved to award the bid as requested. Holt seconded. Motion carried unanimously.

Bid Opening

Small Structure #33025 and #33027

Mr. Mike Howard opened the bids for Small Structures #33025 & #33027, 291st Street/West Fork Bear Creek in White River Township. Form 96, Non-Collusion Affidavit, Bid Bond and Acknowledgment of Addendum(s) are included unless otherwise specified. Altman moved to forward the bids to the highway department for review and recommendation at the next meeting. Holt seconded. Motion carried unanimously.

- American Contracting Services - \$623,620.85 (Acknowledgment of Addendum not apparent)
- Calumet Civil Contractors - \$502,200.00 (Acknowledgement of Addendum not apparent)
- Duncan Robertson Incorporated - \$520,679.89 (Acknowledgement of Addendum not apparent)
- George R. Harvey & Sons - \$596,764.95
- HIS Constructors - \$510,192.27
- Hoosier Pride Excavating, Inc. - \$463,362.57 (Acknowledgement of Addendum not apparent)
- Poindexter Excavating - \$619,729.53 (Acknowledgment of Addendum not apparent)
- Yardberry Landscape Excavating - \$501,487.20

Small Structure #31002 (Bridge #215)

Howard opened the bids for Small Structure #31002 (Bridge #215), 216th Street over Finley Creek in Adams Township. Form 96, Non-Collusion Affidavit, Bid Bond and Acknowledgment of Addendum(s) are included unless otherwise specified. Altman moved to forward the bids to the highway department for review and recommendation at the next meeting. Holt seconded. Motion carried unanimously.

- American Contracting Services - \$594,255.55
- Calumet Civil Contractors - \$461,092.00
- Duncan Robertson Incorporated - \$387,941.19
- George R. Harvey & Sons - \$400,991.77
- HIS Constructors - \$429,856.35
- Hoosier Pride Excavating - \$440,703.56
- Trisler Construction Company - \$420,710.16

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Bridge #23 Replacement

Howard opened the bids for replacement of Bridge #23, Joliet Road over Woodruff Branch. Form 96, Non-Collusion Affidavit, Bid Bond and Acknowledgment of Addendum(s) are included unless otherwise specified.

- HIS Constructors - \$306,000 (Acknowledgment of Addendum not apparent)
- Duncan Robertson - \$235,718.99
- American Contracting - \$399,707.25
- Calumet Civil Contractors - \$266,490.28
- Hoosier Pride Excavating - \$295,298.59
- Trisler Construction - \$248,848.03. Altman moved to refer the bids to the highway department for review and recommendation later in today's meeting. Holt seconded. Motion carried unanimously.

Hoosier Heritage Port Authority

Altman asked Neal if the Hoosier Heritage Port Authority (HHPA) has contacted him regarding the reserve list on the American Recovery and Reinvestment Act (ARRA) of 2009 monies? Neal stated it is his understanding that the HHPA is checking to see who had put the two (2) bridges and crossings on the list of proposed projects. HHPA had not submitted those projects for funding. Altman asked if the HHPA understands the County is not doing anything on these projects? Neal stated yes.

AARA Re-paving Monies

Altman confirmed that we are sure Hamilton County will be the recipient of AARA monies for re-paving projects? Davis stated it will not be official until the next round of meetings. Altman asked what are we doing to re-program that money, assuming we are approved for the resurfacing projects? Davis stated these projects were not in the budget, they were projects that fit the requirements of the stimulus awards.

Olio Road over I-69 Bridge

Neal presented samples of textured walls for the MSE wall on the Olio Road over I-69 bridge. Etchler stone has been used in the past and is Neal's recommendation. Altman asked if that has been holding up well with the freeze/thaw? Neal stated the MSE wall used over US 31 over 146th Street has held up well. Holt stated for consistency he likes the Etchler stone.

DILAPADITED STRUCTURES

5415 East 169th Street, Noblesville

105 Nakomis Drive, Noblesville

Mr. Chuck Kiphart reported the dilapidated structures located at 5415 East 169th Street, Noblesville and 105 Nakomis Drive, Noblesville have all been demolished and the lots have been graded.

NEXUS ERA ABATEMENT CONTRACT

Ms. Robin Ward requested approval of the contract with Nexus Group for the calculations of the ERA Property Abatements. The estimated cost is \$3,250 with an additional charge of \$100 for any additional filings over the estimated 25. Altman moved to approve the contract. Holt seconded. Motion carried unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT

Release of Funds

Mr. Mark McConaghy requested the approval of a release of funds from HUD (Housing and Urban Development) for the Owner Occupied Rehab Program. Altman moved to approve. Holt seconded. Motion carried unanimously.

Old Fishers Infrastructure Improvements

McConaghy requested approval of the public service contract with the Town of Fishers for the Old Fishers Infrastructure improvements in the amount of \$90,965. Altman moved to approve. Holt seconded. Motion carried unanimously.

HAND Spicewood Gardens Storm Sewer

McConaghy requested approval of the public service contract with HAND (Hamilton County Area Neighborhood Development, Inc.) in the amount of \$156,000 to construct twenty-five units of senior housing in the Town of Sheridan. These funds will be used outside of Sheridan to make stormwater management improvements. Altman moved to approve. Holt declared his Thistlewait conflict. Holt seconded. Motion carried unanimously.

Neighborhood Stabilization Program

McConaghy requested the management plan for the Neighborhood Stabilization Program be tabled. HUD has requested some changes in the Plan. Altman moved to table. Holt seconded. Motion carried unanimously.

ARRA Monies

McConaghy reported that HUD has published their requirements for the ARRA money of \$214,000. They have given us to June 5, 2009 to submit the plan to HUD. Altman asked what is the focus of those monies? McConaghy stated HUD would like to see the project begin as soon as possible and used for working with the communities to add

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infrastructure on projects that can be completed this year. Altman asked if these are for our current allocation area? McConaghy stated it is only for the communities that are participating in the CDBG program.

CONSTRUCTION PROJECTS

Community Corrections Project Change Order

Mr. Dan Stevens requested approval of a change order from Gaylor, Inc. in the amount of \$15,965. Altman asked if this is part of the design issues settlement? Howard stated no, the electrical we went back to the architect was for the re-tooling of the electrical to accommodate the emergency generator and re-construction of the current duct work. Altman moved to approve. Holt seconded. Motion carried unanimously.

COMMISSIONER COMMITTEE REPORTS

CIRTA Funding

Altman is scheduled to meet with Representative Terri Austin and the Indianapolis Chamber to discuss legislation for funding of CIRTA (Central Indiana Regional Transit Authority).

Fairgrounds Lease

Altman confirmed with Howard that he is working on the Fairgrounds lease. Howard stated yes.

ATTORNEY

McDonald, Steve

Howard requested approval of adding Steve McDonald's dependent to the county's health plan. Altman moved to approve. Holt seconded. Motion carried unanimously.

Animal Control Contracts

Howard reported the Animal Control contracts with the entities have been drafted and will be sent out by the end of business today.

Runway Reconstruction

Howard reported the IEA (Indianapolis Executive Airport) Runway Reconstruction Grant has been signed. The contractor has demolished the hangars and the runway will be closed today for 45 calendar days plus weather delays.

Annex Building – Noblesville Commons

Howard requested approval of the Third Amendment to the Declaration of Easements, Covenants and Restrictions for Noblesville Commons, LLC. Altman moved to approve. Holt seconded. Motion carried unanimously.

City of Westfield Parks Department

Howard requested approval of an Interlocal Agreement By and Between Hamilton County and the City of Westfield for securely hanging flower baskets on Bridge #612 located on Union Street. Altman moved to approve. Holt seconded. Motion carried unanimously.

Village Park TIF

Howard stated the Mayor of Westfield has requested he prepare an interlocal agreement with Westfield allowing a certain part of the Westfield Village Park Tax Increment to be used to raise bond proceeds to assist the town on building improvements that they will need to accommodate the US 31 Corridor improvements. The last agreement stated 50 percent of the assessed value of this district would pass through to the underlying units with the balance used to provide up to \$225,000 per year towards the county's 146th Street Bonds until they are retired. The rest will be used to allow Westfield to raise approximately \$7 million to build multi-use paths and improvements to 151st Street and certain improvements to the shopping center to the west. An agreement has been signed between the Town of Westfield and the Westfield Washington School Corporation to take another 25 percent of the increment, which will raise approximately \$600,000 a year, to leverage that money to help defray the costs of the project. This was originally a county TIF District, therefore the County would be the insurer. There would be no back-up tax for COIT or a levy. If we see a shortfall in the debt service we could use the last 25 percent. Howard requested approval of a Bond Counsel to review the interlocal agreement. Howard recommended using Ice Miller, as they have done the previous work on this district. Altman and Holt concurred to use Ice Miller as Bond Counsel.

Olio Road Bridge

Howard has received a verbal agreement on the last parcel for the Olio Road Bridge project. The tentative plan is to open bids in late June and award in July.

ADMINISTRATIVE ASSISTANT

Fishers Wage Determination Committee Appointment

Altman moved to appoint Jonathan Valenta to the Fishers Wage Determination Committee. Holt seconded. Motion carried unanimously.

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Hamilton County Artists Association

Mr. Fred Swift stated the Hamilton County Artists Association has requested the use of the Judicial Center lobby on June 6, 2009 in the afternoon and early evening for an art display. Holt asked why do they want to use the Judicial Center lobby instead of the historic courthouse? Swift stated due to more space. Altman requested we give them the option. Ms. Dawn Coverdale asked if we have to pay for Security? Altman stated when we open the bathrooms up to the public we have a rental agreement for security and janitorial services. Holt asked if this is their only venue? Swift stated yes, for this event. Holt stated historically they have used the Carmel and Noblesville libraries. Holt asked Swift to get more information and to let them know what the fees are for security and janitorial services.

Street Banners

Swift stated Noblesville now has the electronic sign operating and Commissioner Dillinger has asked why we still have the banners on the historic courthouse lawn. Altman and Holt like having the banners on the courthouse square and would be resistant to taking them down. [3:16:39] Swift requested the latitude to encourage organizations promoting the activities pertaining to the city to use the electronic sign at the Noblesville City Hall. Holt stated recommended stacking the banners. Altman stated county-wide events should have preference if space is an issue.

Traffic Control for Noblesville Sewer Project

Swift stated the City of Noblesville is planning a major sewer project on Maple Avenue from the river to 16th Street beginning in late July. They expect to be along the south boundary of our south parking lot in August or September. County employees have a difficult time making a left turn onto Conner Street in the afternoon and use Maple Avenue to 8th Street to use the light to turn left onto Conner Street. That will not be possible with the sewer project. Swift recommends using the city police and sheriff deputies to direct employee traffic during this time period. Holt stated they should not be allowed to turn left, it is too dangerous. If one person is turning left no one else will get out of the lot. Holt asked if there is merit in asking the city to make that intersection right turn only all of the time at 6th Street and SR 32? Carter concurred. Holt asked Carter to assign one of the deputies to help with traffic control at 4:30 p.m. Holt ask Howard to bring an ordinance to the next meeting for the county lot that it be a right only exit and a letter to the City of Noblesville requesting that 6th Street be right only at least until Maple Street is done and maybe permanently?

COMMUNITY CORRECTIONS

Grant Agreement – Community Corrections

Mr. Ralph Watson requested approval and signature on the grant agreement with the Indiana Department of Corrections for an award of \$2,341,954 for the 2009-2010 fiscal year. Altman moved to approve. Holt seconded. Motion carried unanimously.

SHERIFF

Metal Detector

Deputy Ryan Horine requested approval of the purchase of a new metal detector. Replacement of the entire system would cost \$26,800. Horine requested permission to replace only the metal detector at a cost of \$3,116 with \$250 for shipping. Funding will come from the Cumulative Courthouse fund. Altman moved to approve. Holt seconded. Motion carried unanimously.

EMT-P Certification

Carter requested approval of an interlocal agreement with the Hamilton County Sheriff's Department and Cicero Fire Department for EMT-P Certification. This agreement will provide and maintain proper EMT-P certifications to provide advanced life support care for a paramedic employed by the Hamilton County Sheriff's Department through the Cicero Fire Department ALS (Advanced Life Support) providorship. This person will be assigned to the crash team to do all of our blood draws; he will also be available in the jail environment for blood draws for other agencies. He will be primarily assigned to the northern part of the county. We are waiting for the liability coverage quote from Fearrin Insurance Agency and the Sheriff will absorb those costs. Altman moved to approve. Holt seconded. Motion carried unanimously.

Annual Jail Report

Carter reported the Indiana Department of Corrections Annual Jail Report states that the operations of the Hamilton County Jail are outstanding, which is the highest mark we can receive.

Noblesville Fire Department Training

Carter requested permission for the Noblesville Fire Department to use a small segment of property east of SR 37 and north of the annex building for trench rescue training. Altman moved to approve. Holt seconded. Motion carried unanimously.

AUDITOR

Abaco Dock & Lift Lease Agreement

Altman moved to approve the lease agreement with Abaco Dock & Lift for rental of the 4-H barns for the period of October 1, 2009 – May 1, 2010. Holt seconded. Motion carried unanimously.

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Payroll Claims

Altman moved to approve the payroll claims for the periods of April 6-19, 2009 paid May 1, 2009 and April 20-May 3, 2009 paid May 15, 2009. Holt seconded. Motion carried unanimously.

Vendor Claims

Altman moved to approve the vendor claims to be paid May 12, 2009. Holt seconded. Motion carried unanimously.

BID AWARD

Bridge #23, Joliet Road over Woodruff Branch

Neal recommended the bid for Bridge #23, Joliet Road over Woodruff Branch in Washington Township be awarded to Duncan Robertson in the amount \$235,718.99. Altman so moved. Holt seconded. Motion carried unanimously.

Altman moved to adjourn. Holt seconded. Motion carried unanimously.

COMMISSIONER CORRESPONDENCE

Carmel BZA Notice of Hearing

Lowe's Home Centers, Inc.

IDEM Notice of Sewer Permit Application

Hamilton Southeastern 106th Lifts Station and 36" Force main – Fishers

IDEM Notice of Public Comment

Duke Energy Indiana – Noblesville Generating Station

IDEM Notice Sanitary Sewer Construction Permit Application

Promenade Landing – Noblesville

Union Chapel Road – Noblesville

Certificate of Liability Insurance

TW Telecom of Indiana, L.P.

PRESENT

Christine Altman, Commissioner

Steven A. Holt, Commissioner

Dawn Coverdale, Auditor

Fred Swift, Administrative Assistant to Commissioners

Kim Rauch, Administrative Assistant to Auditor

Michael Howard, Attorney

Doug Carter, Sheriff

Brad Davis, Highway Director

Jim Neal, County Highway Engineer

Joel Thurman, Highway Project Engineer

Brandi Wariner, Highway Public Service Representative

Dave Lucas, Highway Staff Engineer

Christopher Burt, Highway Engineering Technician

Tim Knapp, Highway Right-of-Way Manager

Matt Knight, Highway Bridge Program Engineer

Faraz Khan, Highway Staff Engineer

Kathy Howard, Highway Department Administrative Manager

Bob Davis, Highway Superintendent

Dave Richter, United Consulting

Becki Wise Kent, USI

Patti Smith, BLN

APPROVED

HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor